

Ex. 1

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

RHODE ISLAND LATINO ARTS, *et al.*

Plaintiffs,

v.

NATIONAL ENDOWMENT FOR THE
ARTS, *et al.*,

Defendants.

Civil Action
No. 25-cv-79-WES-PAS

DECLARATION OF DANIEL BEATTIE

I, Daniel Beattie, declare as follows:

1. I am the Director of Guidelines and Panel Operations at the National Endowment for the Arts (“NEA”). I have held that position since October 2020. As Director of Guidelines and Panel Operations, I am responsible for the modification of agency-wide funding opportunity guidelines and instructions for competitive grant programs, as well as oversight of the agency’s advisory panel review process.

2. I have worked at the National Endowment for the Arts since 1999. Prior to my current position, I was a program analyst in the Office of Guidelines and Panel Operations from 2012 to 2020, during which time I updated agency funding guidelines. I have also held the following roles during my tenure with the agency: acting director of arts education (2011-2012), grant program coordinator/officer (2008-2011), grant program specialist (2001-2008), and research assistant in the Office of the Chair (1999-2001).

The NEA’s branding requirement for projects receiving NEA funding

3. Since at least 1999, the NEA has required the recipients of all grants to display prominently and across a winning project’s promotion and materials the NEA’s logo and a statement that the NEA had selected that project for funding.

4. I attach as **Ex. A** to this declaration a true and accurate copy of the NEA’s General Terms & Conditions for Grants and Cooperative Agreements to Organizations, which issued

in 1999 and include the preceding requirement. A true and accurate copy of the most recent version of the NEA's terms and conditions for grant recipients is on file with the Court in ECF 11-1.

NEA appropriates for FY 2026

5. Congress has not appropriated money to the NEA for FY 2026.

NEA Assurance of Compliance

6. The NEA's Assurance of Compliance language concerning executive orders does not apply to EO 14168. ECF 11-1, Ex. A at 12 (NEA, Assurance of Compliance (Mar. 11, 2025), <https://www.arts.gov/grants/legal-requirements-and-assurance-of-compliance> (suspending certification requirement for EO 14168 during pendency of this action)); ECF 11-1, Ex. C, at 1 (Mem. from Carter to NEA Grantmaking Staff (Mar. 17, 2025) (rescinding application of EO 14168)); ECF 17-1 at 1, 6, 8 (NEA, Notice (Apr. 16, 2025) (predecisional guidance concerning EO 14168 implementation; noting lack of certification requirement)).

7. On July 14, 2025, the NEA revised the language on its Assurance of Compliance webpage to re-affirm the preceding point. I attach as **Ex. B** to this declaration a true and accurate copy of the NEA's Assurance of Compliance web page that includes that re-affirmation on page 11. NEA, Legal Requirements and Assurance of Compliance (July 14, 2025), <https://www.arts.gov/grants/legal-requirements-and-assurance-of-compliance/>

The status of the NEA's ongoing GAP 1 multilayer application review

8. Traditionally, concerning the NEA's first of two GAP funding cycles, the Council does not review and make recommendations on project applications until the end of the third week of October. The Chair's review of proposed projects follows shortly after the Council has made its recommendations.

I, Daniel Beattie, declare under penalty of perjury that the foregoing is true and correct.

Executed on July 15, 2024



Daniel Beattie
Director of Guidelines and Panel Operations
National Endowment for the Arts

Ex. A

INTRODUCTION

All grants and cooperative agreements (hereinafter referred to as "award") made by the National Endowment for the Arts (Endowment) to institutions of higher education, nonprofit organizations, units of state and local governments, and Federally recognized Indian Tribal governments are subject to these *General Terms & Conditions for Grants and Cooperative Agreements to Organizations* (General Terms)¹. These General Terms are based on the administrative requirements of the *Office of Management and Budget Circular A-110 ("Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations")*, the *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (the Common Rule)*, and the various Federal laws, rules, regulations, and Executive Orders that apply to grants and cooperative agreements. They are also based on the Endowment's legislation, rules, regulations, and policies. **It is therefore important that funding recipients be familiar with and comply with these General Terms.**

Please note: There have been changes that we wish to highlight in these General Terms since they were last revised in November 1998:

- Links are provided through the Endowment's website to various OMB circulars.
- Copies of materials provided in the grant award package are available online through the Endowment's website.
- The National Historic Preservation Act of 1966, as amended, and the National Environmental Policy Act of 1969 have been added to the *Office of Management & Budget (OMB) Circulars, Statutes, & Regulations that Govern Your Award* section.

¹*These terms and conditions also apply to commercial organizations when they are awarded cooperative agreements.*

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Acceptance of an Endowment Award

1. Recipient Responsibilities

In accepting an Endowment award, recipients assume legal, financial, administrative, and programmatic responsibility for administering the award in accordance with the aforementioned laws, rules, regulations, Executive Orders, and these General Terms, including responsibility for complying with any provisions included in the award. **While the Endowment may periodically provide recipients with reminder notices regarding award requirements such as final reports, failure on the part of the recipient to receive such notice does not relieve the recipient of its responsibility to comply with all applicable award requirements.** Failure to comply with these requirements may result in suspension or termination of the award and Endowment recovery of funds. (See Item 10, Suspension, Termination and Debarment.)

Sponsors, Fiscal Agents, or lead members of consortiums. If this award is made to you as the sponsor or fiscal agent for an organization, or the lead member of a consortium, your organization is legally, financially, administratively, and programmatically responsible for all aspects of the award including submission of payment requests; reports (e.g., special, progress, final); and any amendment request that would affect the terms and conditions of this award.

2. Compliance with Terms and Conditions

Submission of a Request for Advance or Reimbursement constitutes agreement to comply with and expend funds consistent with all the terms and conditions of the award.

3. Original Signature

Recipients may submit a request for payment or other post-award forms to the Endowment by facsimile; however, the Endowment reserves the right to request a "hard copy" signature (i.e., ink on paper) of an organization's authorizing official if it is deemed necessary. (See Item 12, Authorizing Official.)

4. Acknowledgment of Endowment Support and Disclaimer

Recipients must acknowledge, in a prominent manner, the Endowment's support in all materials and announcements, both audio and visual, regarding this award. (e.g., "This project is supported in part by an award from the National Endowment for the Arts.") Recipients must also display, in a prominent

Acceptance of an Endowment Award

manner, the National Endowment for the Arts' logo in association with the acknowledgment (copies of the Endowment's Logo are enclosed). The Endowment reserves the right to disallow the use of its logo and acknowledgment of Endowment support, as well as the right to require a specified acknowledgment.

Office of Management & Budget (OMB) Circulars, Statutes, and Regulations that Govern Your Award

5. Uniform Administrative Requirements

Nonprofit organizations, and colleges and universities, are subject to the provisions of OMB Circular A-110 ("Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations"),² as amended. Units of state and local governments and Federally recognized Indian Tribal governments are subject to the administrative requirements codified by the Endowment at "45 Code of Federal Regulations (CFR) Part 1157 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments" ("Common Rule"). As applicable, these documents, by reference, are hereby incorporated into this award.

A copy of OMB Circular A-110 may be obtained through a link on the Endowment's website: <http://www.arts.gov>

- ↳ Click on "Applications & Grant Forms," then
- ↳ Click on "Request Funds or Report On Your Project"

The Common Rule, as well as A-110, are also available by writing the Grants & Contracts Office, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Washington, DC 20506 or by faxing to (202) 682-5610.

6. Cost Principles

The allowability of costs for work performed under an Endowment award shall be determined in accordance with the applicable Federal cost principles and the terms and conditions of the award. The following OMB Circulars set forth the Federal cost principles that, in general, apply to Endowment recipients. These cost principles, as applicable, are hereby incorporated into this award:

- a. **OMB Circular A-122, "Cost Principles for Nonprofit Organizations,"** as amended: nonprofit organizations, exclusive of institutions of higher education;
- b. **OMB Circular A-21, "Cost Principles for Educational Institutions,"** as amended: public and private institutions of higher education;

²*These uniform administrative requirements also apply to commercial organizations when they are awarded cooperative agreements.*

Office of Management & Budget (OMB) Circulars, Statutes, and Regulations that Govern Your Award

- c. **OMB Circular A-87, "Cost Principles for State and Local Governments,"** as amended: state, local and Federally recognized Indian tribal governments; and
- d. ***Federal Acquisition Regulation (FAR) at 48 CFR Part 31 for commercial organizations, individuals, and those nonprofit organizations listed in Attachment C to OMB Circular A-122. (This applies only to recipients of cooperative agreements, i.e., cooperators.)***

Copies of the OMB Circulars may be obtained from the Endowment's website or by writing or faxing to the Grants & Contracts Office, as described in Item 5 above.

The FAR is available on line at <http://www.arnet.gov/far/>.

7. Nondiscrimination and Other Assurances

- a. **Nondiscrimination and Other Statutes.** Recipients are required to execute projects, productions, workshops and programs in accordance with the requirements of Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Age Discrimination Act of 1975; and Title IX of the Education Amendments of 1972, where applicable.
 - (1) **Title VI of the Civil Rights Act of 1964**, as amended, provides that no person in the United States shall, *on the grounds of race, color, or national origin*, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. (42 U.S.C. 2000d et seq.)
 - (2) **Section 504 of the Rehabilitation Act of 1973** provides that no otherwise qualified individual with a disability in the United States, as defined in Section 7(6), shall, *solely by reason of his/her disability*, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. (29 U.S.C. 794)

Office of Management & Budget (OMB) Circulars, Statutes, and Regulations that Govern Your Award

- (3) **The Americans with Disabilities Act of 1990** ("ADA") prohibits discrimination *on the basis of disability* in employment (Title I), state and local government services (Title II), and places of public accommodation and commercial facilities (Title III). (42 U.S.C. 12101-12213)
- (4) **The Age Discrimination Act of 1975** provides that no person in the United States shall, *on the basis of age*, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. (42 U.S.C. 6101 et seq. and 45 CFR Part 1156)
- (5) **Title IX of the Education Amendments of 1972** provides that no person in the United States shall, *on the basis of sex*, be excluded from participation in, be denied benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance. (20 U.S.C. 1681 et seq.)

The Endowment has developed several publications to assist arts groups in making their facilities and activities accessible to people with disabilities. The Arts and 504 is a how-to handbook for making the arts accessible. Copies of this handbook, as well as copies of the nondiscrimination regulations identified above, may be obtained by writing to the Office of Civil Rights, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Washington, DC 20506-0001.

The Endowment, in partnership with the National Assembly of State Arts Agencies, has produced a 700-page document entitled, Design for Accessibility: An Arts Administrators Guide. It provides detailed guidance on making access an integral part of an organization's staffing, mission, budget, and programs. The Guide is available from the National Assembly of State Arts Agencies, 1029 Vermont Avenue, N.W., 2nd Floor, Washington, DC 20005 (202/347-6352). The cost is \$66.00 for nonprofits and \$96.00 for others.

Office of Management & Budget (OMB) Circulars, Statutes, and Regulations that Govern Your Award

- b. **Section 504 - Self-Evaluation.** A self-evaluation must be on file at your organization. The Endowment has developed a Program Evaluation Workbook that may be used by a recipient to conduct a self-evaluation to determine if it is in compliance with 504 requirements. If you have not previously conducted this self-evaluation or wish to update the results of previously conducted evaluations, you may wish to request a copy of the Program Evaluation Workbook, free of charge, from the Office of Civil Rights, at the Endowment's address listed in Item 7a above.
- c. **Labor Assurance.** You must also certify to the Endowment that you will comply with the labor standards set out in "29 CFR Part 505 - Labor Standards on Projects or Productions Assisted by Grants from the National Endowment for the Arts and Humanities." This is required by the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.). A recipient provides this assurance by signing and returning to the Grants & Contracts Office the Request for Advance or Reimbursement form which contains the "Assurances as to Labor Standards" on the reverse side. This form is included in your award package. A copy of 29 CFR Part 505 may be obtained through a link on the Endowment's website at the address indicated in Item 5 above.
- d. **Other Assurances.** Recipients are also required to execute projects, productions, workshops and programs in accordance with the requirements of the National Endowment for the Arts' regulations implementing Executive Orders 12549 and 12689, "Debarment and Suspension," and the Drug-Free Workplace Act of 1988; and 20 U.S.C. Sec. 951 et. seq., the Endowment's enabling legislation that requires "artistic excellence and artistic merit" to be included in the criteria upon which grants are awarded. Copies of these regulations may be obtained by writing to the Endowment's Office of Civil Rights at the address indicated in Item 7a above.

8. Lobbying

Recipients are prohibited from conducting political lobbying, as defined in relevant statutes, regulations, and OMB Circulars, within a Federally supported grant or cooperative agreement project. In addition, recipients are prohibited from using Federal funds for lobbying specifically to obtain grants or cooperative agreements. Recipients are requested to note the following regarding lobbying activities:

Office of Management & Budget (OMB) Circulars, Statutes, and Regulations that Govern Your Award

a. **18 U.S.C. Sec. 1913 Lobbying with Appropriated Moneys.**

"No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business."

b. **OMB Circular A-122 - "Lobbying" Revision.** OMB Circular A-122, Cost Principles for Nonprofit Organizations "Lobbying" Revision, published at 49 Federal Register 18260 (April 27, 1984), makes clear that lobbying, as defined therein, is an unallowable cost. OMB Circular A-122 generally defines lobbying as conduct intended to influence the outcome of elections or to influence elected officials regarding pending legislation, either directly or through specific lobbying appeals to the public. Recipients are urged to review carefully OMB Circulars A-122 "Lobbying" Revision and A-110.

c. **Certification Regarding Lobbying to Obtain Grants** (Section 319 of Public Law 101-121, codified at 31 U.S.C. Sec. 1352). This law prohibits the use of Federally-appropriated funds to pay costs associated with lobbying members of Congress, employees of Congress, and employees of Federal agencies with respect to the award or amendment of any Federal grant, cooperative agreement, contract, or loan. While applicants, grantees, and cooperators may use non-Federal funds for such activities, use of these funds must be disclosed to the Federal agency. The law exempts from the disclosure requirement the lobbying activities of long-term employees (those employed or expected to be employed for more than 130 days) of an applicant or grantee. The law also exempts from the definition of lobbying certain agency and legislative liaison activities and professional and technical services by applicants and grantees.

Office of Management & Budget (OMB) Circulars, Statutes, and Regulations that Govern Your Award

This law requires applicants who request or are recommended to receive more than \$100,000 in Federal funds to execute a certification, prior to award, that they have not and will not use Federally-appropriated funds for lobbying; that they will disclose (through a government standard form) the use of other funds for lobbying activities; and that they will require

similar certifications from subgrantees or contractors who receive more than \$100,000 under the grant-supported project.

Copies of the Endowment's regulations implementing Section 319 of Public Law 101-121 are published at 45 CFR Part 1158. Recipients are urged to review these regulations carefully.

9. Drug-Free Workplace Act Requirements

A recipient must maintain on file the place(s) that work is being performed under this award, i.e., street address, city, state and zip code.

10. Suspension, Termination and Debarment

OMB Circular A-110, Sections 61 & 62 and the Common Rule, Sections 1157.43 and .44, respectively, provide uniform suspension and termination procedures for Federal awards. Endowment regulations implementing Executive Orders 12549 and 12689, "Debarment and Suspension," also provide additional guidance. These regulations are published at 45 CFR Part 1154. If you or your organization is suspended or debarred by one Federal agency, you are suspended or debarred by all Federal agencies.

Grants or cooperative agreements may be terminated in whole or in part--

- a. by the Endowment, if a recipient materially fails to comply with the terms and conditions of an award;
- b. by the Endowment with the consent of the recipient, in which case the two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion of the project to be terminated; or
- c. by the recipient upon sending to the Endowment written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion of the project to be terminated.

Office of Management & Budget (OMB) Circulars, Statutes, and Regulations that Govern Your Award

However, if the Endowment determines that the reduced or modified portion of the award will not accomplish the purposes for which the award was made, it may terminate the award in its entirety either unilaterally or with the consent of the recipient.

When the Endowment determines that a recipient has failed to comply with the terms of the award, the Endowment may suspend or terminate the award for cause. Normally, this action will be taken only after the recipient has been notified of the deficiency and given sufficient time to correct it, but this does not preclude immediate suspension or termination when such action is required to protect the interests of the government.

11. **The Native American Graves Protection and Repatriation Act of 1990** applies to any organization which controls or possesses Native American human remains and associated funerary objects, and which receives Federal funding, even for a purpose unrelated to the Act. (25 U.S.C. 3001 et seq.)
12. **National Historic Preservation Act of 1966, as amended.** This law applies to any Federal funds that would support either the planning or major renovation of any structure eligible for or on the National Register of Historic Places, in accordance with Section 106 of the National Historic Preservation Act of 1966. This law also applies to new construction that would affect such properties. The Arts Endowment will consult with your State Historic Preservation Officer, as required, to determine the impact of your plan or renovation on the structure or any affected properties. You may be requested to provide additional information on your project to ensure compliance with the National Historic Preservation Act. Any change in your renovation or construction plans must be submitted to the Arts Endowment for review and approval prior to undertaking any of the proposed changes. (16 U.S.C. 470)
13. **National Environmental Policy Act of 1969.** This law applies to any Federal funds that would support an activity which may have environmental implications. You may be requested to provide information to the Arts Endowment in response to specific questions in accordance with the National Environmental Policy Act of 1969. The Arts Endowment will then determine whether to undertake an environmental assessment or issue a finding of no significant impact. A finding of no significant impact requires no additional action by the Arts Endowment or you. (42 U.S.C. Section 4332)

Authorizing Official

12. **Authorizing Official.** An authorizing official is an official of a recipient organization who has authority to legally bind the organization. For purposes of administering this award, the following apply:

- a. **Application Form.** Authorizing officials identified on your application can sign revised budgets, cash requests, final reports, and can make requests to amend an award.
- b. **Signature Authorization Form.** If you wish to have other individuals act as authorizing officials either for this or any other Endowment award, a completed signature authorization form (a copy is provided on page 32 and on the Endowment's website) or a letter making such a request--with the appropriate signatures included--must be submitted to the Endowment's Grants & Contracts Office. Please submit updated forms if changes in authorizing officials occur within your organization **or** every four years.

*[NOTE: Colleges and universities may delegate authority to a fiscal officer to sign cash requests and financial status reports by submitting a signature authorization form to the Endowment's Grants & Contracts Office. This delegation **and** signature must be on file in the Endowment's Grants & Contracts Office on a signature authorization form.]*

- c. **By Virtue of Position.** The following are considered to be authorizing officials for this or any award you may receive, whether or not they have signed an application:

- (1) for nonprofit organizations (excluding colleges and universities) -- chairman or officer of the board, president, executive director or individual of similar rank; or
- (2) for college and universities -- chancellor, provost, president, trustee, or individual of similar rank; or
- (3) for cities or municipalities, or departments thereof -- mayor, city manager/administrator, designated department, agency, or office official, or individual of similar rank; or
- (4) for states or departments thereof -- governor, executive director, or designated department, agency or office officials, or individual of similar rank.

Authorizing Official

d. **Endowment Panelist.** Please be advised that any person serving as an Endowment panelist generally can act as an authorizing official. However, no panelist may serve on a panel reviewing an application from an organization with which he or she is affiliated. In addition, no panelist may act as an authorizing official for a project where the application was reviewed by the panel he or she served on. This prohibition is in effect throughout the entire grant period.

How To Obtain Your Award Funds

13. Requesting Payment

a. **Requests for Advance or Reimbursement.** Requests for payment must reflect expenses already incurred (reimbursement) and/or to be incurred (advance) within 30 days or less from the date the authorizing official (see Item 12) signs the payment request form. In either instance, funds must be **immediately disbursed** upon receipt. Generally, you cannot request funds to cover expenditures incurred prior to the beginning of the project period. (*Grant recipients will find detailed instructions for completing the Request for Advance or Reimbursement in their grant award package.*)

[**NOTE:** If interest is earned on advances of funds, recipients should refer to either OMB Circular A-110, Section 22 or the Common Rule, Section 1157.21 for information regarding its disposition.]

- (1) **Requests received prior to start date.** These requests will be processed so that the recipient receives funds following the project start date. The receipt of payment will be timed to coincide with the advance period identified on the cash request form. Again, funds must be **immediately disbursed** upon receipt.
- (2) **Geographic Location of Project Activity form (yellow).** This form must be returned to the Endowment **before** any grant funds will be released.
- (3) **Electronic Funds Transfer.** Funds can **only** be remitted via Electronic Funds Transfer to your financial institution ("bank").
- (4) **Faxed Transmissions.** Organizations may fax requests to the Grants & Contracts Office.

b. **Labor Assurance.** It is essential that you read the "Assurances as to Labor Standards" printed on the reverse of your Request for Advance or Reimbursement form. By signing this form, you are certifying to these assurances. (See Item 7c.)

c. **Alternative Method of Payment.** Recipients currently on working capital advance, cost reimbursement, or certification should refer to the appropriate guidelines previously provided.

If There Are Changes in Your Project

14. Award Amendments

All requests to amend the project scope, project period, matching requirements, or budget of your award are to be submitted by an authorizing official, in writing, to the Endowment's Grants & Contracts Office **before** implementation. **Each request must include:**

- **10-digit grant number,**
- **specific project change(s) requested,**
- **justification for the change(s),**
- **revised project budget, if applicable, and**
- **update on geographic location of grant activities, if applicable.**

After consultation with Endowment staff, the Grants & Contracts Office will notify recipients in writing of the Endowment's response. Until you receive written approval from the Grants & Contracts Office, you may only incur costs consistent with the terms and conditions of the award in effect at the time of your amendment request. Requests are considered on a case-by-case basis.

Approval is not guaranteed.

- a. **Project Scope.** Recipients are required to carry out a project consistent with the proposal approved for funding by the Endowment. If changes in the project are believed necessary, the recipient **must** follow the procedures outlined above.
- b. **Consortium Member Changes (Grants only).** The lead member of a consortium must seek approval **before** any changes are made within the consortium membership. If changes to the membership are believed necessary, then you **must** follow the procedures outlined above. In addition to the above you also:
 - ↳ must provide the Endowment with written concurrence from any consortium member(s) that is dropping out of the project; and
 - ↳ must obtain from any consortium member(s) that is being added a signed letter of commitment that details its involvement in the project. (For your convenience, a consortium member commitment form is now available on the Endowment's website as indicated in Item 5 above.)

If There Are Changes in Your Project

c. **Project Period Extensions (Time Amendments) & Liquidation of Obligations.** Recipients are responsible for ensuring that all project activities and the commitment of project funds take place within the official award period (i.e., the period of support stated in the award or an amendment letter). As soon as you become aware that your project cannot be completed within the time frame set out in the award, you must request a time amendment; this request should be submitted at least 30 days before the current end date of your award.

Recipients are also responsible for ensuring that all obligations incurred under an award are liquidated within 90 days after the end of the funding period--to coincide with the submission of the Financial Status Report. Therefore, a time amendment must be requested if all obligations cannot be liquidated within 90 days.

d. **Matching.** The Endowment will not waive matching requirements except under the most unusual circumstances. Such requests must be accompanied by a new budget that reflects the revised commitment to the project.

e. **Budget Revisions.** The enclosed project budget reflects the information contained in your application or proposal and any revisions made by the Endowment at your request or in order to bring the project budget into compliance with Endowment guidelines and applicable Federal regulations and requirements. The following changes in the project budget are permissible, as noted below:

Significant changes to the project budget such as those that

- ↳ increase the grant amount
- ↳ change the scope of the award
- ↳ add indirect costs, permanent equipment, or foreign travel

require prior written approval from the Endowment.

Minor changes to the project budget such as

- ↳ transfers among direct costs
- ↳ how Federal funds are allocated to approved project costs
- ↳ elimination or addition of an allowable project cost which does not affect the scope

do not require a written approval from the Endowment.

If There Are Changes in Your Project

Refer to "Unallowable Costs" in the *Financial management Guide for Non-Profit Organizations* (included in the award package) for line items that may not be included in or added to the project budget.

15. Change in Key Person(s)

Unless your award specifies to the contrary, prior approval for a change in key persons associated with the project as outlined in OMB Circular A-110, Section 25 or the Common Rule, Section 1157.30 is waived. This waiver **does not** apply to changes to artists or other individuals identified in your award letter. (See Item 14a, Project Scope Amendments.)

16. Foreign Travel Requests

All travel outside the United States, its territories, and Canada that was not identified in your application must be specifically approved in writing by the Grants & Contracts Office before travel is undertaken. Additionally, any foreign air travel (inclusive of persons or property) that is paid in whole or in part with Endowment funds must be performed on a U.S. air carrier or a foreign air carrier under an air transport agreement with the United States when these services are available. U.S. air-carrier service is considered available even though a comparable or different kind of service can be provided at less cost by a foreign air carrier and/or foreign air-carrier service is preferred by, or is more convenient for, the traveler.

U.S. air-carrier service is considered to be **unavailable** only under the following conditions:

- a. when the traveler's origin or destination airport is a gateway airport abroad (i.e., the airport from which the traveler last embarks en route to the United States or at which the individual first arrives when traveling from the United States), and the use of a U.S. air carrier would extend the time in travel status by at least 24 hours more than travel by a foreign air-carrier;
- b. when a traveler while en route must transfer to another flight and the use of a U.S. air carrier would extend his or her time in travel status by at least six hours more than travel by a foreign air carrier;

If There Are Changes in Your Project

- c. when travel time on a scheduled flight by a foreign air carrier is three hours or less and service by a U.S. air carrier would involve twice as much travel time; or
- d. when travel is between two points outside the U.S. and the use of a foreign air carrier would eliminate two or more aircraft changes en route.

If you discover that service on a U.S. flag air carrier or a foreign air carrier under an air transport agreement with the United States is not available, you must request an exception in writing from the Endowment. All requests should be sent to the Grants & Contracts Office for approval.

Reporting & Recordkeeping

17. Grantee Reporting Requirements³

Your grant award package includes a document entitled "Reporting Requirements." This document provides guidance on the reporting requirements relevant to this grant. The Endowment may request additional reports as necessary.

- a. **Geographic Reports.** A geographic report is required to identify the geographic locations of grant activities. Specific instructions for submitting your geographic report are included in your grant award package (i.e., "Reporting Requirements" document and cash request instructions).
- b. **Progress Reports.** A progress report is generally required from **all** Endowment grant recipients. Specific instructions for submitting your progress report are included in your grant award package (i.e., "Reporting Requirements" document and cash request instructions).
- c. **Special Reporting Requirements.** Some discipline/fields may require that certain information be submitted to the Endowment before grant funds can be released (i.e., a signed recording contract, copyright release, etc.) or at other times during the conduct of the grant. Specific instructions will be included in your grant award package as applicable.
- d. **Final Reports.** A Final Report package including the Financial Status Report, two copies of the Final Descriptive Report, and any required work product(s) must be submitted not later than 90 days after the grant ending date. Send to:

Grants & Contracts Office
Final Reports Section, Room 618
National Endowment for the Arts
Nancy Hanks Center
1100 Pennsylvania Avenue, N.W.
Washington, DC 20506-0001

*[NOTE: Private metered postmarks will **NOT** be accepted as proof of timely mailing.]*

³*All reporting requirements for cooperators are included in the cooperative agreement.*

Reporting & Recordkeeping

The necessary final report forms for your grant are included in your grant award package. Carefully review your final reporting requirements to determine the narrative information required and whether a product is also required. Also note that an authorizing official (see Item 12) must sign the Financial Status Report to verify that the project for which Endowment funds were awarded has been carried out.

Grantees who fail to submit required final reports for any grant(s) are ineligible to receive subsequent funding for five years following the final report due date of the grant(s) or until the delinquent final reports are submitted; **whichever occurs first**. Acceptability of final reports may also affect eligibility. In addition, failure to submit required final reports within 210 days from the grant end date will result in the Endowment withdrawing any undisbursed funds remaining on the grant with the delinquent reports.

18. Matching Requirements

- a. **Grants.** The Financial Status Report is used to verify that any required match has been met. Unless otherwise stated in the grant award letter and/or reflected in the project budget, it is a condition of this grant that Endowment funds may not exceed 50 percent of the total cost of the project.

If you received a grant that specifies that Federal funds must be matched **3 to 1**, please refer to the enclosed addendum on matching for additional terms and conditions.

- b. **Cooperative Agreements.** Specific matching requirements and how to report them are outlined in the cooperative agreement.
- c. **Ineligible Matching Resources.** The following items are not eligible matching resources:
 - Resources which have been used to match another Endowment grant or other Federal program(s).
 - Appropriated Federal funds (i.e., funds from any Federal agency, including the Arts Endowment).

Reporting & Recordkeeping

- Contributions or gifts transferred to your organization that are subject to restriction such that the funds cannot be used to support your grant project.
- Gifts (testamentary or otherwise) that are not available to your organization during the grant period.

[NOTE: *The obligation of the Endowment shall not be increased unless agreed to in writing by the Chairman or a duly authorized representative.*]

19. Indirect Costs

The following applies only to those recipients who have indirect costs included in their approved project budget.

The rate that is used for calculating indirect costs reflects either an already negotiated rate with a Federal agency or an estimate. If an estimate, a rate proposal **must** be submitted to the oversight Federal agency immediately after you have been advised of an award or within three months after the start date of the period of support. Similarly, in the event your rate expires during the project period, you must submit a proposal to renegotiate in sufficient time for the rate to be negotiated before the conclusion of the period. If the negotiated rate exceeds the rate specified in the approved project budget, the application of a higher rate is subject to the limitations set forth in either OMB Circulars A-21, A-87, or A-122, as applicable. In no event will additional Federal funds be awarded to support an increase in indirect costs. A negotiated rate lower than the rate included in the project budget or failure to negotiate a rate by the end of the project period may result in decreased Federal support if the total non-Federal costs applied toward your Endowment-supported project are insufficient to satisfy the award's matching requirement.

[NOTE: *Questions about indirect costs should be directed to the Endowment's Office of Inspector General at (202) 682-5402.*]

20. Subgranting

This section applies only to state art agencies, regional art organizations, and designated local art agencies.

Reporting & Recordkeeping

a. General Requirements

- (1) **Subgranting to Organizations.** The Federal laws, rules, regulations and OMB Circulars that apply to Endowment organizational grant recipients and cooperators which are nonprofits, institutions of higher education and hospitals, generally also apply to such organizations when they receive a subgrant through an Endowment-supported award.
- (2) **Subgranting to Units of State and Local Government.** The Federal laws, rules, regulations and OMB Circulars that apply to Endowment organizational grant recipients and cooperators which are units of state and local government generally also apply to such organizations when they receive a subgrant through an Endowment-supported award.
- (3) **Subgranting with Individuals.** Please ensure that in your subgrant agreements you include a requirement that the subgrantee (a) provides you with final reports and any other information or reports necessary for you to fulfill all applicable reporting requirements; (b) adheres to the prohibition against lobbying within a Federally-supported grant or cooperative agreement (Item 8); (c) uses U.S. air-carriers for foreign travel (Item 16), and (d) maintains records pertinent to the grant or cooperative agreement for three years following submission of the final report. Finally, consistent with 41 U.S.C. 10a-10c, "Buy American Act," subgrantees should be encouraged to purchase American-made equipment and products (Item 25).

- b. **State Arts Agencies.** A state arts agency should require a progress report from its subgrantees. States have the discretion to determine when these reports must be submitted.
- c. **Artistic Excellence and Artistic Merit.** In accordance with the Endowment's enabling legislation (20 U.S.C. Sec. 951 et seq.), you must include "artistic excellence and artistic merit" in the review criteria used to make the subgrant awards.

Reporting & Recordkeeping

21. Record Retention

Following the submission of financial status reports, recipients must maintain financial records, supporting documents, statistical records, and all other records pertinent to an award consistent with the provisions outlined in OMB Circular A-110, Section 53 and the Common Rule, Section 1157.42, as applicable. Generally, the retention period is three years from the date the final financial status report is filed.

22. Financial Management Standards

OMB Circular A-110, Section 21 and the Common Rule, Section 1157.20, as applicable, prescribe standards for financial management systems of grantees and cooperators, i.e., accounting systems, internal controls, allowable costs, cash management, etc. The financial management systems of recipient organizations and their subrecipients must meet these standards. (The Inspector General has written a publication, "Financial Management Guide for Non-Profit Organizations," which contains practical information on what is expected in terms of fiscal responsibility. Copies of this publication are included in applicable award packages.)

23. Program Income

Income earned by a recipient (during the award period) that results from activities supported under an Endowment award is considered to be program income. Such earnings include, but are not limited to, income from fees for services performed, the use or rental of real or personal property acquired with grant or cooperative agreement funds, admission fees, etc. The Endowment utilizes the cost-sharing or matching method of program income. As such, program income may be used as part of the non-Federal match for an award, or for additional costs of the Endowment-supported project, or for use in other projects in the arts that are consistent with those supported by the Endowment.

24. In-Kind (Third-Party) Contributions

If in-kind (third-party) contributions are included as income in your approved project budget, they must also be included in the project's total direct costs and reflected as such in your accounting records. The basis for determining the valuation of volunteer services and donated property or space must be documented and must conform to the principles set out below.

Reporting & Recordkeeping

- a. Volunteer services that are provided to the grantee by professional and technical personnel, consultants, and other skilled and unskilled labor may be counted as match if the service is an integral and necessary part of the approved project. Volunteer services shall be valued at rates consistent with those ordinarily paid for similar work within the grantee organization. If the grantee does not have employees performing similar work, the rates will be consistent with those ordinarily paid by other employers for similar work in the same labor market. In either case, a reasonable amount of fringe benefits may be included in the valuation.
- b. When an employer furnishes the services of an employee, these services shall be valued at the employee's regular rate of pay (plus an amount of fringe benefits that is reasonable), provided these services involve the same skills for which the employee is normally paid.
- c. The value of donated equipment shall not exceed the fair market value of equipment of the same age and condition at the time of donation, and the value of loaned equipment shall not exceed its fair rental value.
- d. The value of donated space shall not exceed the fair rental value of comparable space, as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality.
- e. The value assigned to donated supplies or other expendable property should be reasonable and should not exceed the fair market value of the property at the time of donation.

[NOTE: Refer to Attachment B of the *"Financial Management Guide for Non-Profit Organizations"* (included in the award package) for sample documentation of in-kind (third-party) contributions.]

25. Equipment

The award letter constitutes Endowment approval for equipment purchases in the project budget. Before purchasing equipment not identified in the award application, the recipient must obtain formal approval from the Grants Office. A recipient is encouraged, whenever possible, to purchase American-made equipment in accordance with the Buy American" Act (41 U.S.C. 10a-10c).

Reporting & Recordkeeping

Unless otherwise specified in the award, title to equipment purchased or fabricated under the award vests in the recipient, without further obligation to the Federal government, with the understanding it will be used for the project activities or for similar activities for which it was obtained. The Endowment reserves the right, however, to stipulate at the time of award specific disposition instructions for when the equipment is no longer needed by the recipient (e.g., a transfer of title to the Federal government or a third party).

26. Personnel Activity ("Time & Effort") Reports

OMB circulars require that compensation for personnel services charged to Federal awards, in whole or in part, be properly documented. The required documentation is prescribed by the cost principles applicable to the recipient organization. (See Item 6.)

Recipients, **except as noted below**, are required to maintain personnel activity reports for any employee whose salary is charged, in whole or in part, to either the award or the matching funds. A sample format is provided on page 31 of this document as well as in the "Financial Management Guide for Non-Profit Organizations," at Attachment A. (An organization may choose some other format if appropriate to its scale of operations.) While required to maintain personnel activity reports, recipients are generally **not** required to submit these to the Endowment.

EXCEPTION. Because Federal agencies may apply less restrictive administrative requirements for small awards, the Endowment waives the requirement to maintain personnel activity reports for a grant to a nonprofit organization or educational institution in the amount of \$25,000 or less. This waiver **does not apply** to those who are subject to the Common Rule. *[NOTE: This waiver applies **only** to the need for these organizations to maintain personnel activity reports. Recipients are still obliged to keep other appropriate records (e.g., payroll records, documentation of in-kind services, etc.) verifying the salary and wage costs attributed to either the Federal or matching funds.]*

Questions about personnel activity reports should be directed to the Endowment's Office of Inspector General at (202) 682-5402.

Audit Matters

27. A-133 Audit Requirements

OMB Circular A-133, "Audits of States, Local Governments and Nonprofit Organizations," includes specific guidance for conducting financial and compliance audits. The threshold for requiring an audit is \$300,000 in *yearly expenditures* of Federal awards. This amount is the aggregate of funds from **all** Federal sources. Please carefully review these audit requirements and direct any questions to the Endowment's Office of Inspector General at (202) 682-5402.

A copy of OMB Circular A-133 maybe obtained either through a link on the Endowment's website (see Item 5), or by writing the OMB Publications Office, New Executive Office Building, Room 6236, Washington, DC 20503.

28. Award Confirmation for Audit Purposes

Recipients who wish to confirm, primarily for audit purposes, the exact amount of an award or payment received from the Endowment, should contact the Endowment's Finance Office at (202) 682-5407 or mail their requests to the Finance Office, National Endowment for the Arts, Room 624, 1100 Pennsylvania Avenue, N.W., Washington, DC 20506-0001.

*[NOTE: Confirmations **MUST** include grant or cooperative agreement number(s), otherwise the Finance Office will **NOT** be able to process your request.]*

29. CFDA Numbers (Catalog of Federal Domestic Assistance)

The Catalog of Federal Domestic Assistance tracks every grant program (including cooperative agreements) in the Federal government and assigns it a specific number. As required by OMB Circular A-133, provided below is a list of Endowment programs with their applicable CFDA numbers:

45.024	Grants to Organizations and Individuals (<i>Awards made through the categories of Creation & Presentation, Heritage & Preservation, Education & Access, and Planning & Stabilization</i>)
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Audit Matters

45.025	Partnership Agreements <i>(Awards for State Arts Agencies & Regional Arts Organizations for partnership activities only)</i>
45.026	Leadership Initiatives <i>(Includes awards through ArtsREACH and Folk Arts Infrastructure)</i>
45.201	Arts & Artifacts Indemnity

Copyright and Cataloging Information

30. Copyright

You may arrange to copyright any materials you develop from the work you undertake during the project period without prior approval from the Endowment. For procedural information, write or call: Library of Congress, Registrar of Copyrights, Washington, DC 20559-6000 (202/707-3000).

Unless otherwise specified in the award, the Endowment is not entitled to receive royalties from work supported or made possible by a grant or cooperative agreement; however, the Endowment retains a royalty-free right to use such work for Federal government purposes (e.g., the use of final report work products to document the results of its grant programs).

31. Library of Congress Cataloging in Publication Data

It is strongly recommended that any publication that might result from this award be cataloged by the Cataloging in Publication Division of the Library of Congress before it is prepared for final printing. This method of cataloging enables libraries to acquire and process books quickly. Also, entering these titles in a national bibliographic database leads to greater dissemination of publications, thereby benefiting the recipient. To accomplish this, the recipient must submit galley proofs or front material (title page, preface or introduction and table of contents) to the Library of Congress at least 10 days prior to publication. For procedural information, write or call: Library of Congress, Cataloging in Publication Division, Washington, DC 20540 (202/707-6452, press #5 on menu).

Questions?

32. Endowment Staff

Cooperators, please refer to your cooperative agreement for names of contact persons available to answer questions.

Grantees, if you have any questions, please contact the Grants & Contracts Office at 202/682-5403 concerning administrative or technical requirements, or the Endowment discipline/field office identified in your award document concerning programmatic requirements at 202:

Arts in Education	682-5563	Museum	682-5452
Dance	682-5452	Music	682-5590/5487
Design	682-5452	Mus. Theater	682-5509/5020
Endowments/Cash Res.	682-5411	Opera	682-5438/5600
Folk & Traditional Arts	682-5658	Presenting	682-5591
Literature	682-5787/5771	State & Reg.	682-5430
Local Arts Agencies	682-5581/5586	Theater	682-5020/5509
Media Arts	682-5452	Visual Arts	682-5452
Multidisc./Intnatl	682-5658		

For individuals with a hearing impairment, the Endowment has a telecommunications device (TDD) located within its Office for AccessAbility (TTY number 202/682-5496).

Individuals who do not use conventional print should contact the Endowment's Office for AccessAbility at 202/682-5532 for help in acquiring a cassette recording of these General Terms.

Ex. B



Menu

Legal Requirements and Assurance of Compliance

Legal Requirements

NOTE: This list highlights some of the significant legal requirements that may apply to an applicant or recipient; however, it is not exhaustive. More information regarding these and other legal requirements may be found at Appendix A of the General Terms & Conditions </grants/manage-your-award>, which set forth the National Policy and Other Legal Requirements, Statutes, Regulations, and Executive Orders that Govern Your Award. There may be other applicable legal requirements that are not listed in this document. It is ultimately your responsibility to ensure that you are compliant with all legal, regulatory, and policy requirements applicable to your award.

1. By law, the National Endowment for the Arts may support only those organizations:

- **That are tax-exempt.** Organizations qualifying for this status must meet the following criteria:
 1. No part of net earnings may benefit a private stockholder or individual.
 2. Donations to the organization must be allowable as a charitable contribution under Section 170(c) of the Internal Revenue Code of 1954, as amended.

For further information, go to the Internal Revenue Service's (IRS) website <<http://www.irs.gov>>.

- Who have not had their IRS status revoked. It is your responsibility to ensure that your status is current at the time of the application and throughout the life of your award.
- **That compensate all professional performers and related or supporting professional personnel on National Endowment for the Arts-supported projects at no less than the prevailing minimum compensation.** (This requirement is in accordance with regulations that have been issued by the Secretary of Labor in 29 CFR Part 505 <<http://www.gpo.gov/fdsys/pkg/cfr-1998-title29-vol3/pdf/cfr-1998-title29-vol3-chap-id2.pdf>>. This part does not provide information on specific compensation levels.)

- **That ensure that no part of any National Endowment for the Arts-supported project will be performed under or engaged in working conditions which are unsanitary, hazardous, or dangerous to the health and safety of the employees involved.**

2. Some legal requirements apply to every applicant. For example:

- **Compliance with the federal requirements** that are outlined in the Assurance of Compliance below
- **Debarment and Suspension procedures.** The applicant must comply with requirements set forth in Subpart C of 2 CFR 180, as adopted by the National Endowment for the Arts in 2 CFR Part 3254. Failure to comply may result in the debarment or suspension of the recipient, and the National Endowment for the Arts suspending, terminating, and/or recovering the funds. More information on Debarment and Suspension procedures can be found in the GTCs.
- **Federal Debt Status** (OMB Circular A-129

<https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/a129/a-129.pdf>). Processing of applications will be suspended when applicants are delinquent on federal tax or non-tax debts, including judgment liens against property for a debt to the federal government. An organization's debt status is displayed in the System for Award Management (SAM). New awards will not be made if an applicant is still in debt status as of September 1 of the fiscal year listed on this funding opportunity.

- **Labor Standards** (29 CFR Part 505

<<https://www.govinfo.gov/app/details/cfr-2023-title29-vol3/cfr-2023-title29-vol3-part505>>). Recipients must comply with the standards set out in Labor Standards on Projects or Productions Assisted by Grants from the National Endowments for the Arts.

- The Drug-Free Workplace Act of 1988

<<https://www.govinfo.gov/content/pkg/uscode-2020-title41/html/uscode-2020-title41-subtitleiv-chap81-sec8103.htm>> (41 U.S.C. 8101 et seq. and 2 CFR Part 3256). The recipient is required to publish a statement regarding its drug-free workplace program as well as to comply with other requirements.

3. Some legal requirements apply depending upon what activity the award is funding. For example:

- If your project activities have the potential to impact any structure that is eligible for or on the National Register of Historic Places, adjacent to a structure that is eligible for or on the National Register of Historic Places, or located in an historic district, you will be asked to provide additional information about your project or take additional action so that the agency can review and comply with the National Historic Preservation Act <<https://www.achp.gov/protecting-historic-properties>> (NHPA). NHPA also applies to any planning activities that may affect historic properties or districts. The additional agency review must be completed prior to any agency funds being released.
- If your project activities have the potential to impact the environment or environmentally sensitive resources, you will be required to provide information in accordance with the National Environmental Policy Act <<https://www.epa.gov/laws-regulations/summary-national-environmental-policy-act>> (NEPA). The additional agency review must be completed prior to any agency funds being released.

- If your project activities include any contract over \$2,000 involving the construction, alteration, or repair of public buildings or public works, the contract must contain a clause setting forth the minimum wages to be paid to laborers and mechanics employed under the contract in accordance with The Davis-Bacon and Related Acts (DBRA). More information on DBRA can be found in the GTCs </grants/manage-your-award> under the “Other National Policies” heading.
- Projects or programs that are determined to be obscene are without artistic merit and shall not be funded. 20 USC 952(j)-(l); 20 USC 954(d),(l).

4. Some legal requirements apply depending upon who the applicant is. For example:

- The Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. 3001 et seq.) applies to any organization that controls or possesses Native American cultural items, such as human remains or associated funerary objects and receives Federal funding, even for a purpose unrelated to the Act.

5. In addition, State Arts Agencies must meet the requirements in Section 954(g)(2) of the National Endowment for the Arts' authorizing legislation, which state:

"In order to receive assistance under this subsection in any fiscal year, a State shall submit an application for such grants at such time as shall be specified by the Chairperson and accompany such applications with a plan which the Chairperson finds—

- (A) designates or provides for the establishment of a State agency (hereinafter in this section referred to as the "State agency") as the sole agency for the administration of the State plan;
- (B) provides that funds paid to the State under this subsection will be expended solely on projects and productions approved by the State agency which carry out one or more of the objectives of subsection (c);
- (C) provides that the State agency will make such reports, in such form and containing such information, as the Chairperson may from time to time require, including a description of the progress made toward achieving the goals of the State plan;
- (D) provides—
 - i. assurances that the State agency has held, after reasonable notice, public meetings in the State to allow all groups of artists, interested organizations, and the public to present views and make recommendations regarding the State plan; and

ii. a summary of such recommendations and the State agency's response to such recommendations; and

(E) contains--

- i. a description of the level of participation during the most recent preceding year for which information is available by artists, artists' organizations, and arts organizations in projects and productions for which financial assistance is provided under this subsection;
- ii. for the most recent preceding year for which information is available, a description of the extent projects and productions receiving financial assistance from the State arts agency are available to all people and communities in the State; and
- iii. a description of projects and productions receiving financial assistance under this subsection that exist or are being developed to secure wider participation of artists, artists' organizations, and arts organizations identified under clause (i) of this subparagraph or that address the availability of the arts to all people or communities identified under clause (ii) of this subparagraph.

No application may be approved unless the accompanying plan satisfies the requirements specified in this subsection."

Assurance of Compliance

By signing and submitting its application form on Grants.gov, the applicant certifies that it is in compliance with the statutes outlined below and all related National Endowment for the Arts regulations as well as all applicable executive orders, and that it will maintain records and submit the reports that are necessary to determine its compliance.

We may conduct a review of your organization to ensure that the applicant is in compliance with these statutes, regulations, and executive orders. If the NEA determines that a recipient has failed to comply with any of these statutes, regulations, or executive orders, it may suspend or terminate the award, and/or recover the funds. The applicant's assurance of compliance is subject to judicial enforcement.

The applicant certifies that it does not discriminate:

- On the grounds of race, color, or national origin, in accordance with **Title VI of the Civil Rights Act of 1964**, as amended (42 U.S.C. 2000d et seq.), implemented by the National Endowment for the Arts at 45 CFR 1110.
- Solely on the grounds of disability, in accordance with **Section 504 of the Rehabilitation Act of 1973** (29 U.S.C. 794), as amended, implemented by the National Endowment for the Arts at 45 CFR 1151, and the **Americans with Disabilities Act of 1990** ("ADA"), as amended, (42 U.S.C. 12101 et seq.).

- On the basis of age, in accordance with the **Age Discrimination Act of 1975**, as amended (42 U.S.C. 6101 et seq.), implemented by the National Endowment for the Arts at 45 CFR 1156.
- On the basis of sex, in any education program or activity, in accordance with **Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681 et seq.).

In addition, the applicant agrees that, if the applicant is selected and becomes a NEA grant recipient:

- The applicant will comply with all applicable Executive Orders while the award is being administered. Executive orders are posted at whitehouse.gov/presidential-actions. However, all compliance with EO 14168 is governed exclusively by the NEA's predecisional guidance

<<https://www.arts.gov/sites/default/files/final.notice.implementation.eo14168.pdf>> concerning that EO, and not by the terms of these Assurances.

- The applicant's compliance in all respects with all applicable Federal anti-discrimination laws is material to the U.S. Government's payment decisions for purposes of the False Claims Act, 31 U.S.C. § 3729(b)(4), pursuant to Executive Order No. 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity, dated January 21, 2025.

The applicant does not operate any programs promoting "diversity, equity, and inclusion" (DEI) that violate any applicable Federal anti-discrimination laws, in accordance with Executive Order No. 14173.

See FAQ on these certification requirements </grants/legal-requirements-and-assurance-of-compliance/frequently-asked-questions>

The applicant will inform the public that persons who believe they have been discriminated against on the basis of race, color, national origin, disability, sex, or age may file a complaint with the Director of Civil Rights at the National Endowment for the Arts.

The applicant will forward all complaints for investigation and any finding issued by a Federal or state court or by a Federal or state administrative agency to:

Director, NEA Office of Civil Rights
Email: civilrights@arts.gov

The applicant shall maintain records of its compliance and submission for three (3) years. The applicant will compile, maintain and permit access to records as required by applicable regulations, guidelines or other directives.

The applicant must also certify that it will obtain assurances of compliance from all subrecipients and will require all subrecipients of National Endowment for the Arts funds to comply with these requirements.

The United States has the right to seek judicial or administrative enforcement of this assurance.

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